



Miedel & Mysliwiec LLP

VIA ECF

The Honorable Richard M. Berman
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Nov

Application granted.

SO ORDERED:
Date: 11/21/23


Richard M. Berman, U.S.D.J.

**RE: *United States v. Wilfredo Rosado*
21-Cr-516-RMB**

Dear Judge Berman:

Wilfredo Rosado is currently scheduled to be sentenced by Your Honor on February 13, 2024. I write to request an extension of time for the Probation Department to conclude its presentence investigation and to disclose its initial draft Presentence Report. I am told that such a request must come from one of the parties, not the Probation Department. Because it is in the interest of all parties to have the Probation Department properly conduct its investigation, I respectfully ask the Court to extend the date of the first disclosure to January 16, 2024.

One of the reasons for the delay has been the Probation Department's inability to interview Mr. Rosado. An initial date had to be rescheduled because I neglected to note the interview on my calendar. That was entirely my fault. On the second date for the interview, which was taking place at the MDC, we were told that Mr. Rosado had refused to come down for the interview. However, shortly thereafter the entire facility was locked down and all visits ended. The next day I communicated with Mr. Rosado who told me that he had not refused, and in fact had not even been told that he had a legal visit. The interview with Mr. Rosado has now been rescheduled for December 7. Since an interview with Mr. Rosado is crucial for the completion of the Report, and given the intervening holidays, the Probation Officer has asked that I request a new initial disclosure date of January 16, 2024.

Thank you for the Court's consideration.

Sincerely,

/s/

Florian Miedel
Counsel for Wilfredo Rosado

cc: Government Attorneys
USPO Ashley Geiser, via email